

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7405**

**BILL NUMBER:** HB 1467

**NOTE PREPARED:** Jan 2, 2003

**BILL AMENDED:**

**SUBJECT:** Felony murder.

**FIRST AUTHOR:** Rep. Frizzell

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill provides that a person at least 18 years of age who kills another person while committing battery on a child less than 14 years of age commits felony murder. It removes a provision making battery resulting in the death of a child less than 14 years of age by a person at least 18 years of age a Class A felony and makes conforming amendments.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** Between FY 1997 and 2001, there were no offenders committed to Department of Correction facilities for Class A felony battery, which, under current law, occurs when the death of a person less than 14 years of age results from battery committed by a person at least 18 years of age.

Felony murder is punishable by a fixed prison term of 55 years with the addition or removal of 10 years depending upon mitigating and aggravating circumstances. A sentence for felony murder may include death or life without parole. On average between FY 1997 and 2001, there were 143 people a year committed to Department of Correction facilities for felony murder. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay for all felony murder offenders, excluding those with a death, life, or life without parole sentence is 17.6 years.

**Explanation of State Revenues:** The maximum fine for a Class A felony or a felony murder is \$10,000.

There is no change expected for criminal fines which are deposited in the Common School Fund.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** There is no change in local revenues expected; the court cost for both a Class A felony and felony murder is \$120.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

**Fiscal Analyst:** Karen Firestone, 317-234-2106